

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-02382-RDM**

FLETE-GARCIA v. U.S. DEPARTMENT OF JUSTICE et al
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 08/06/2019
Jury Demand: None
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
Jurisdiction: U.S. Government Defendant

Plaintiff**FULVIO FLETE-GARCIA**

represented by **FULVIO FLETE-GARCIA**
R24190-038
GILMER
FEDERAL CORRECTIONAL
INSTITUTION
Inmate Mail/Parcels
P.O. BOX 6000
GLENNVILLE, WV 26351
PRO SE

V.

Defendant**U.S. DEPARTMENT OF JUSTICE****Defendant****EXECUTIVE OFFICE FOR UNITED
STATES ATTORNEY**

Date Filed	#	Docket Text
08/06/2019		Initiating Pleading & IFP Application Received on 08/06/2019. A copy of the docket sheet has been mailed to the address of record for the pro se party. (zmc) (Entered: 08/14/2019)
08/06/2019	<u>1</u>	COMPLAINT against EXECUTIVE OFFICE FOR UNITED STATES ATTORNEY, U.S. DEPARTMENT OF JUSTICE filed by FULVIO FLETE-GARCIA. (Attachment: # <u>1</u> Exhibit)(zmc) (Entered: 08/14/2019)
08/06/2019	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by FULVIO FLETE-GARCIA (zmc) (Entered: 08/14/2019)
08/06/2019	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by FULVIO FLETE-GARCIA (zmc) (Entered: 08/14/2019)
08/29/2019	<u>4</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis, except to the extent that Plaintiff is required to make the payments set forth (please see order for details). Signed by Judge Rudolph Contreras on 8/26/2019. (zad) (Main Document 4 replaced on 8/29/2019) (zad). (Entered: 08/29/2019)
08/30/2019		Case assigned to Judge Randolph D. Moss (zmc) (Entered: 08/30/2019)
08/30/2019	<u>5</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in this Court's Standing Order. See document for details. Signed by Judge Randolph D. Moss on 8/30/19. (lcrdm1,) (Entered: 08/30/2019)
10/04/2019	<u>6</u>	MOTION for Preliminary Injunction by FULVIO FLETE-GARCIA "Let it Be Filed" by Judge Randolph D. Moss on 10/4/2019. (zed,) (Entered: 10/10/2019)
10/07/2019	<u>7</u>	MOTION for copy of petition re <u>6</u> MOTION for Preliminary Injunction by FULVIO FLETE-GARCIA (ztd) (Entered: 10/10/2019)

10/15/2019	<u>8</u>	MOTION for Copy of Updated Docket/Text Sheet by FULVIO FLETE–GARCIA. (ztth) (Entered: 10/22/2019)
10/22/2019		MINUTE ORDER: In light of the recent filing of the Plaintiff's full 10–page petition for preliminary injunction, Dkt. <u>6</u> , and Plaintiff's motions for a copy of petition, Dkt. <u>7</u> , and for a copy of docket/text sheet, Dkt. <u>8</u> , it is hereby ORDERED that the motions are GRANTED. The Clerk of Court is directed to mail Plaintiff a copy of the petition for preliminary injunction, Dkt. <u>6</u> , and a copy of the docket text sheet at his address of record. Signed by Judge Randolph D. Moss on 10/22/19. (lcrdm1) (Entered: 10/22/2019)
11/04/2019	<u>9</u>	MOTION to Take Judicial Notice by FULVIO FLETE–GARCIA (ztd) (Entered: 11/06/2019)
11/08/2019	<u>10</u>	NOTICE by FULVIO FLETE–GARCIA (ztd); ("Let it be Filed" signed 11/8/19 by Judge Randolph D. Moss) (Entered: 11/14/2019)
11/12/2019		VACATED PURSUANT TO MINUTE ORDER FILED 11/14/2019.....MINUTE ORDER: Upon consideration of Plaintiff's motion to take judicial notice, Dkt. <u>9</u> , it is hereby ORDERED that the motion is DENIED. A defendant in a FOIA action is not required to answer the plaintiff's complaint while its motion to dismiss is pending. See 5 U.S.C. § 552(a)(4)(C); Fed. R. Civ. P. 12(a)(4)(A). Signed by Judge Randolph D. Moss on 11/12/19. (lcrdm1) Modified on 11/18/2019 (znmw). (Entered: 11/12/2019)
11/14/2019		MINUTE ORDER: Upon further consideration, the Court's November 12, 2019 Minute Order is hereby VACATED as it was based on an incorrect reading of the record. However, Plaintiff's motion to take judicial notice is again hereby DENIED. The Court cannot order the Defendants to answer Plaintiff's complaint because the summons and complaint have not yet been served. In light of this and Plaintiff's IFP status, it is hereby ORDERED that the Clerk shall issue the summons and the Marshals Service shall effect service upon the named Defendants. See 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3). Signed by Judge Randolph D. Moss on 11/14/19. (lcrdm1) (Entered: 11/14/2019)
11/19/2019	<u>11</u>	MOTION to Take Judicial Notice by FULVIO FLETE–GARCIA (ztd) (Entered: 11/20/2019)
11/20/2019	<u>12</u>	MOTION to Take Judicial Notice by FULVIO FLETE–GARCIA (ztd) (Entered: 11/22/2019)
11/20/2019	<u>14</u>	SUMMONS (4) Issued as to EXECUTIVE OFFICE FOR UNITED STATES ATTORNEY, U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (zsb) (Entered: 11/25/2019)
11/22/2019	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/21/2019. (Answer due for ALL FEDERAL DEFENDANTS by 12/21/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. EXECUTIVE OFFICE FOR UNITED STATES ATTORNEY served on 11/21/2019; U.S. DEPARTMENT OF JUSTICE served on 11/21/2019 (ztd) (Entered: 11/25/2019)
12/05/2019		MINUTE ORDER: Upon consideration of Plaintiff's motions to take judicial notice, Dkt. <u>11</u> & Dkt. <u>12</u> , it is hereby ORDERED that the motions are DENIED. Informing the Court that filings have been made and requesting docket sheets at regular intervals are not the proper subjects of motions for judicial notice. Plaintiff is instructed to cease moving for judicial notice on these grounds. Plaintiff is instructed to address any further requests for confirmation of filings and docket sheets to the Clerk of Court, and should not style those requests as motions before the Court itself. Signed by Judge Randolph D. Moss on 12/5/19. (lcrdm1) Modified on 12/5/2019 to correct typo (kt). (Entered: 12/05/2019)
12/05/2019		MINUTE ORDER: In light of the fact that Defendants were served on November 21, 2019, Dkt. <u>13</u> , and have not yet appeared, it is hereby ORDERED that Plaintiff's motion for a preliminary injunction, filed on October 4, 2019, Dkt. <u>6</u> , is hereby DENIED as premature. Plaintiff may refile that motion after Defendants appear. Signed by Judge Randolph D. Moss on 12/5/19. (lcrdm1) (Entered: 12/05/2019)